23rd January 1964]

APPENDIX.

[Vide item IV on page 207.]

L.A. Bill No. 3 of 1964 (As passed by the Assembly).

A Bill further to amend the Madras City Municipal Corporation Act, 1919, and the Madras District Municipalities Act, 1920, and to amend the Madras Panchayats Act, 1958.

BE it enacted by the Legislature of the State of Madras in the Fourteenth Year of the Republic of India as follows :—

PART I.

PRELIMINARY.

1. *Short title.*—This Act may be called the Madras City Municipal Corporation, District Municipalities and Panchayats (Amendment) Act, 1964.

PART II.

AMENDMENT OF THE MADRAS CITY MUNICIPAL CORPORATION ACT, 1919.

2. *Amendment of section 53-A, Madras Act IV of* 1919.—In section 53-A of the Madras City Municipal Corporation Act, 1919 (Madras Act IV of 1919), for the marginal note thereto and sub-section (1), the following shall be substituted, namely :—

" *Oath or affirmation to be made by councillors.*—(1) Notwithstanding anything contained in the Indian Oaths Act, 1873 (Central Act X of 1873), every person who is elected or co-opted to be a councillor shall, before taking his seat, make, at a meeting of the council, an oath or affirmation in the following form, namely :—

' I, A.B., having been elected a councillor, co-opted a councillor of this council do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of Indian as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.' "

PART III.

AMENDMENTS OF THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920.

3. *Insertion of new section 50-A in Madras Act V of* 1920.—After section 50 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920) (hereinafter in this Part referred to as the principal Act), the following section shall be inserted, namely :—

" 50-*A*. *Oath or affirmation to be made by councillors.*—(1) Notwithstanding anything contained in the Indian Oaths Act, 1873

(Central Act X of 1873), every person who is elected to be a councillor shall, before taking his seat, make, at a meeting of the council, an oath or affirmation in the following form, namely :—

'I, A.B., having been elected a councillor of this council, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of Indian as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge due duty upon which I am about to enter.'

(2) Any person who, having been elected to be a councillor fails to make, within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later, the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected to be a councillor shall not take his seat at a meeting of the council or do any act as such councillor unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3), a chairman or a member of a committee constituted under this Act, who has not made the oath or affirmation as councillor shall be entitled to act as such chairman or member :

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the council which he attends within two months after he is elected as, or becomes entitled to exercise the functions of, the chairman or member, as the case may be.

Explanation.—For the purposes of this section, 'chairman' includes a vice-chairman exercising the functions of the chairman under sub-section (6) of section 12 and a revenue divisional officer who is *ex-officio* chairman under sub-section (7) of that section.".

4. *Amendment of section* 51, *Madras Act V of* 1920.—In sub-sections (1) and (2) of section 51 of the principal Act, after the word and figures "section 50", wherever they occur, the word, figures and letter "section 50-A" shall be inserted.

PART IV.

AMENDMENTS OF THE MADRAS PANCHAYATS ACT, 1958.

5. *Insertion of new section 27-A in Madras Act XXXV of* 1958.—After section 27 of the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958) (hereinafter in this Part referred to as the principal Act), the following section shall be inserted, namely :—

"27-A. *Oath or affirmation to be made by members.*—(1) Notwithstanding anything contained in the Indian Oaths Act, 1873 (Central Act X of 1873), every person who is elected or co-opted to be a member or who becomes a member shall, before taking his

23rd January 1964]

seat, make, at a meeting of the panchayat or the panchayat union council, as the case may be, an oath or affirmation in the following form namely :—

I, A.B., having been elected a member/having been co-opted a member/having become a member of this panchayat/panchayat union council do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established; that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter.

(2) Any person who, having been elected or co-opted to be a member or who, having become a member, fails to make within three months of the date on which his term of office commences or at one of the first three meetings held after the said date, whichever is later the oath or affirmation laid down in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant.

(3) Any person who has been elected or co-opted to be a member or who has become a member shall not take his seat at a meeting of the panchayat or the panchayat union council, as the case may be, or do any act as such member unless he has made the oath or affirmation as laid down in sub-section (1).

(4) Notwithstanding anything contained in sub-section (3) the president of a panchayat or the chairman of a panchayat union council or the member of a committee constituted under this Act who has not made the oath or affirmation as a member shall be entitled to act as such president, chairman or member :

Provided that he makes the oath or affirmation and takes his seat at the first meeting of the panchayat or the panchayat union council, as the case may be, which he attends within two months after he is elected or appointed as, or becomes entitled to exercise the functions of, the president, chairman or member, as the case may be.

Explanation.—For the purposes of this section,—

(i) ' president ' includes a vice-president exercising the functions of the president under sub-section (1) or sub-section (2) of section 34 and the temporary president appointed under sub-section (3) of that section; and

(ii) ' chairman ' includes a vice-chairman exercising the functions of the chairman under sub-section (1) or sub-section (5) of section 37 or a revenue divisional officer who is *ex-officio* chairman under sub-section (2) of that section.".

6. *Amendment of section* 28, *Madras Act XXXV of* 1958.—In section 28 of the principal Act, for the word and figures " or 26 " in both the places where they occur, the figures, word and letter " 26 or 27-A " shall be substituted.

[23rd January 1964

PART V.

Repeal of Madras Act II of 1922.

7. *Repeal of Madras Act* II *of* 1922.—The Madras District Municipalities and Local Board (Amendment) Act, 1921 (Madras Act II of 1922), is hereby repealed.

TAMIL NADU LEGISLATIVE ASSEMBLY
TRUTH ALONE TRIUMPHS

LIBRARY, STATE LEGISLATURE
15 APR 1964
MADRAS